



California State Fire Marshal **CODE INTERPRETATION**

Date Issued	1-26-05	Interpretation #	04-038
Topic	Family Day Cares		
Code Section(s)	Appendix VI-G (CBC 2001 Table 10-A)		
Requested by	Melissa Lawton Public Counsel 601 S. Ardmore Ave Los Angeles, CA 90005		

Appendix VI-G of the Fire Code (CBC Table 10-A) lists square footage requirements for “Nurseries for children (day care)” at 35 square feet. Elsewhere, state code defines “nurseries” as day care centers-not family day care homes.

Cities cannot impose more restrictions on family day care homes than the state standard. However, the state code apparently does not impose any square footage requirements on family day care homes.

What is the state fire marshal’s position on whether a city has the authority to impose a 35 square foot requirement per child on large family day care homes?

Health and Safety Code 1597.46(3)(d) states in part... “Large family day care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision”... “No city, county, city and county, or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life safety in large family daycare homes which is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to single-family residences in which day care is not provided.” Locals do not have the authority to impose a 35 square foot requirement per child on large family day care homes.